

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

In re:)	Lead Case No. 1:03-CV-049
)	<u>CLASS ACTION</u>
UNUMPROVIDENT CORP.)	
SECURITIES LITIGATION)	MDL Case No. 1:03-MD-1552
)	
)	Judge Curtis L. Collier
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SILVIO AZZOLINI, on behalf of himself and)	
all others similarly situated,)	
)	Lead Case No. 1:03-CV-1003
Plaintiff,)	
)	<u>CLASS ACTION</u>
V.)	
)	MDL Case No. 1:03-MD-1552
CORTS TRUST II FOR PROVIDENT)	
FINANCIAL TRUST I, <i>et al.</i> ,)	Judge Curtis L. Collier
)	
Defendants.)	
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HARRIET BERNSTEIN, on behalf of herself)	
and all others similarly situated,)	
)	Case No. 1:03-CV-1005
Plaintiff,)	
)	<u>CLASS ACTION</u>
V.)	
)	MDL Case No. 1:03-MD-1552
CORTS TRUST FOR PROVIDENT)	
FINANCING TRUST I, <i>et al.</i> ,)	Judge Curtis L. Collier
)	
Defendants.)	

O R D E R

In accordance with the accompanying Memorandum, the Court hereby orders as follows:

1. In the case of *In re UnumProvident Corp. Securities Litigation*, No. 1:03-CV-49, the

Court hereby:

- A. **DENIES** Defendants' motion for oral argument (Court File No. 131);
- B. **DENIES IN PART** Lead Plaintiff Glickenhaus & Co.'s motion to strike (Court File No. 115) with respect to the press releases comprising Appendix B to Defendants' motion to dismiss;
- C. **GRANTS IN PART** Lead Plaintiff Glickenhaus & Co.'s motion to strike (Court File No. 115) with respect to the SEC Forms F-4 and F-5 comprising exhibits U, V, W, X, Y, Z, and AA to said motion;
- D. **GRANTS** Lead Plaintiff Glickenhaus & Co.'s motion for judicial notice (Court File No. 118);
- E. **GRANTS IN PART** "The UnumProvident Defendants' Motion to Dismiss the Consolidated Amended Complaint" (Court File No. 107) and **DISMISSES** all claims asserted by Lead Plaintiff Glickenhaus & Co. based upon alleged misrepresentations relating to Defendant UnumProvident Corp.'s investment disclosures, policies, and accounting practices;
- F. **DENIES IN PART** "The UnumProvident Defendants' Motion to Dismiss the Consolidated Amended Complaint" (Court File No. 107) with respect to claims asserted by Lead Plaintiff Glickenhaus & Co. based upon alleged misrepresentations relating to Defendant UnumProvident Corp.'s claims handling practices;
- G. **GRANTS IN PART** the "Motion of Defendant Harold Chandler to Dismiss the Consolidated Amended Complaint" (Court File No. 108) and **DISMISSES** all claims asserted by Lead Plaintiff Glickenhaus & Co. based upon alleged misrepresentations relating to Defendant UnumProvident Corp.'s investment disclosures, policies, and accounting practices;

H. **DENIES IN PART** the “Motion of Defendant Harold Chandler to Dismiss the Consolidated Amended Complaint” (Court File No. 108) with respect to claims asserted by Lead Plaintiff Glickenhaus & Co. based upon alleged misrepresentations relating to Defendant UnumProvident Corp.’s claims handling practices; and

I. **DENIES** Lead Plaintiff Glickenhaus & Co.’s request to amend its pleadings (Court File No. 117, p. 44 n. 27).

2. In the case of *Azzolini v. CorTS Trust II for Provident Financial Trust I, et al.*, No. 1:03-CV-1003, the Court hereby:

A. **GRANTS** “The UnumProvident Defendants’ Motion to Dismiss the Consolidated Amended Complaints” (Court File No. 13);

B. **GRANTS** the “Motion of Defendant J. Harold Chandler to Dismiss the Consolidated Amended Complaints” (Court File No. 14); and

C. **DISMISSES** the first and second claims for relief asserted by Plaintiff Silvio Azzolini in the “Consolidated Amended Class Action Complaint for Violations of Federal Securities Laws” (Court File No. 11).

3. In the case of *Bernstein v. CorTS Trust for Provident Financing Trust I, et al.*, No. 1:03-CV-1005, the Court hereby:

A. **GRANTS** “The UnumProvident Defendants’ Motion to Dismiss the Consolidated Amended Complaints” (Court File No. 23);

B. **GRANTS** the “Motion of Defendant J. Harold Chandler to Dismiss the Consolidated Amended Complaints” (Court File No. 25); and

C. **DISMISSES** Count IV and Count V of Plaintiff Harriet Bernstein’s

“Amended Class Action Complaint for Violations of Federal Securities Laws” (Court File No. 18).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE